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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/560,254	01/21/2006	Guy Bernard Vauchel	126268	5002
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EXAMINER				
MERLINO, ALYSON MARIE				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/560,254

Applicant(s)

VAUCHEL, GUY BERNARD

Examiner

ALYSON M. MERLINO

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 5-14 is/are rejected.
- 7) ☒ Claim(s) 2-4 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. The examiner acknowledges applicant's amendments to claim 1-14 in the supplemental amendment filed 31 January 2008.

Claim Objections

2. **Claims 1 and 2 are objected to** because of the following informalities:
 - a. In regards to claim 1, line 10, it is suggested that the phrase "when the latch is in the closed position" after the phrase "end pin" to clarify the device. Appropriate correction is required.
 - b. In regards to claim 1, it is suggested that the limitations of claims 2 and 3 be included in claim 1 in order to define the device.
 - c. In regards to claim 2, the phrase "each guide means" does not correspond to claim 1 which only claims "a guide means."

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. **Claims 1-14 are rejected** under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Specifically, claim 1 recites that the main pin is designed to be "attached firmly" to a second part, however, the drawings do not show any connection between the

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main pin 3 and the second part 17. For examination purposes, the claim will be given a broad interpretation until further clarification from applicant.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. **Claims 1-14 are rejected** under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, as recited in claim 1, it is unclear how the hook's structure includes the main pin. For examination purposes, the claim will be given a broad interpretation until further clarification from applicant.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. **Claims 1-12 are rejected** under 35 U.S.C. 102(b) as being anticipated by Henrichs (EP 0 431 769 A2).
9. **In regards to claim 1**, Henrichs discloses a latch for joining two parts to one another including a hook 64 possessing a curved end 66 arranged to engage with a retaining member 50 connected to a first part 12, a main pin 60 designed to be attached firmly to a second part (Figures 2 and 6), a single operating member 84, 88 pivoting about an end pin 76 situated on the hook at an opposite end from the curved end of the hook (Figure 9), and an articulation (Figure 9) including a pair of compression links 72

(Figure 6) pivoting on the main pin and on an intermediate pin 78 located on the operating member (Figures 2 and 3) with the intermediate pin being positioned between the main pin and the end pin (Figure 8). Henrichs further discloses that the hook is located between the operating member and the main pin (portion above component 68 lies between the operating member and the main pin, Figure 2), and at least one of the compression links is provided with a guide means (surfaces of compression links on either side of hook guiding position of hook, Figure 6) contacting a surface of the hook (outside surface of hook against links, Figure 6) which is nearest the operating member during the opening of the latch such that the hook is supported by the guide means when the latch is open (Figures 3 and 9).

10. **In regards to claim 5**, Henrichs discloses that when in the locked position, the center of the main pin and the hook lie on either side of a line joining the center of the retaining member to the center of the intermediate pin (apparent from Figure 2).

11. **In regards to claim 6**, Henrichs discloses that the hook is provided with a projection (portion above main pin, Figure 2) capable of partially covering the main pin in the locked position (Figures 2 and 6).

12. **In regards to claim 7**, Henrichs discloses that when in the locked position, the center of the main pin is positioned between the hook and a line joining the center of the retaining member to the center of the intermediate pin (apparent from Figure 2).

13. **In regards to claim 8**, Henrichs discloses a second pair of compression links 74 pivoting on the intermediate pin and on the end pin (Figure 9).

14. **In regards to claim 9**, Henrichs discloses that the operating member is firmly attached to the intermediate pin (Figures 2 and 3).
15. **In regards to claim 10**, Henrichs discloses that the operating member is divided into a main structure 84 having a pivoting axis (axis through end pin, Figure 2) and an end structure 88 situated at an end opposite from the end pin (Figure 2).
16. **In regards to claim 11**, Henrichs discloses a stop-piece (apparent portion of main structure interacting with the lip structure of 88 to the right of reference character 89, Figures 1 and 2) belonging to the main structure is capable of limiting the angular travel of the end structure.
17. **In regards to claim 12**, Henrichs discloses that when in the locked position, a spring 96 keeps the end structure aligned with the main structure (Col. 4, lines 39-41).

Claim Rejections - 35 USC § 103

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. **Claims 13 and 14 are rejected** under 35 U.S.C. 103(a) as being unpatentable over Henrichs (EP 0 431 769 A2) in view of Sessler (US-2783072).
20. **In regards to claims 13 and 14**, Henrichs. discloses the latch as applied to claim 1 above, but fails to disclose that the operating member includes a window giving access to the hook from the outside, and that the hook has a bore that can be accessed from the outside, and in which a through part can be housed preventing the opening of

the latch. Sessler teaches a latch (Figure 3) having an operating member 15 including a window (opening for fastener, Col. 2, lines 38-44) giving access to the hook from the outside (Figure 3), and a hook 28 having a bore (near reference character 49, Figure 3) that can be accessed from the outside (Figure 3 and Col. 3, lines 34-42) and in which a through part 29 can be housed preventing opening of the latch (Figure 3). Since the inclusion of a window on the operating member and a bore in the hook for reception of a through part would not affect the overall ability of the latch disclosed by Henrichs to join two parts, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a window and a through part for ensuring the safety and security of the latch when in the locked position.

Allowable Subject Matter

21. **Claims 2-4 are objected to** as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

22. Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection.

23. In regards to applicant's remarks on page 6 regarding Henrichs, it is noted in the rejection above that the hook includes a portion surrounding component 68 that is located between the opening and the main pin, as shown in Figure 2.

24. Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically

pointing out how the language of the claims patentably distinguishes them from the references.

25. After further review of the claims, the language of claim 1 is unclear, as set forth in the 112, second paragraph, rejection above. Furthermore, a 112, first paragraph, rejection was set forth in view of the figures and the claim language since there is not connection shown in the figures between the main pin and the second part.

26. Applicant is advised to add the limitations of claims 2 and 3 to claim 1 since it is still broad, in order to clearly claim applicant's device.

27. The examiner appreciates applicant's submittal of a substitute declaration; therefore, the objection is withdrawn.

28. The examiner appreciates applicant's amendments of the specification, the claims, and specifically claim 9; therefore, the objections and rejection are withdrawn.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALYSON M. MERLINO whose telephone number is (571)272-2219. The examiner can normally be reached on Monday through Friday, 7:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia Engle can be reached on (571) 272-6660. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Patricia L Engle/
Supervisory Patent Examiner, Art
Unit 3673

/A. M. M./
Examiner, Art Unit 3673
February 15, 2008